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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,985	07/28/2003	Harold Taylor	43071/287794	7144

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EXAMINER

TORRES, ALICIA M

ART UNIT PAPER NUMBER

3671

DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/628,985

Applicant(s)

TAYLOR, HAROLD

Examiner

Alicia M Torres

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9 is/are rejected.
- 7) ☒ Claim(s) 6-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Specification

1. The disclosure is objected to because of the following informalities: it appears the Brief Description of the Drawings for figures 2 and 3 are reversed.

Appropriate correction is required.

DETAILED ACTION

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of McCollum

4. In regards to claims 1-5, Taylor discloses a stabilizer (38) extending laterally from the hitch (26) and having elements (54) for coupling to the lift arms of the tractor (12) whereby the stabilizer (38) prevents the hitch (26) from pivoting with respect to the tractor (12) when a pivoting force is exerted against the hitch (26);

a hitch pivot (30) located behind the stabilizer (38) and associated with the hitch (26) for establishing a pivotable connection between the hitch (26) and a front end (28) of the towed implement (10), whereby pivoting movement between the tractor (12) and the towed implement (10) occurs at the pivotable connection (30), as per claim 1; and

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wherein the stabilizer (38) is displaceable along the length of the hitch (26) to accommodate variations in longitudinal spacing between the drawbar and lift arms of the tractor (12), as per claim 2; and

wherein the stabilizer (38) is rotatable in a plane transverse to the length of the hitch (26) to accommodate rolling movement of the tractor (12) relative to the towed implement (10), as per claim 3;

wherein the stabilizer (38) is displaceable along the length of the hitch (26) to accommodate variations in longitudinal displacement between the drawbar and lift arms of the tractor (12), and is rotatable in a plane transverse to the length of the hitch (26) to accommodate rolling movement of the tractor (12) relative to the towed implement (10), as per claim 4; and

wherein the stabilizer (38) comprises a tubular central portion (62) slideably mounted on a forward portion of the hitch (26);

stabilizer wings (13) extending laterally from the central portion (62); and

attachment elements (54) associated with the stabilizer wings (13) in distal relation to the central portion for coupling the stabilizer wings (13) to the lift arms of the tractor (12), as per claim 5.

However, Taylor fails to disclose an apparatus for attaching a towed implement to the drawbar of a tractor having lift arms laterally displaced from the drawbar, comprising:

a hitch for selective coupling to the drawbar of the tractor.

McCollum discloses an apparatus for attaching a towed implement to the drawbar of a tractor having lift arms laterally displaced from the drawbar, comprising:

a hitch (10) for selective coupling to the drawbar (at 45) of the tractor.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to include relative movement between a drawbar connection and the lift arm connection as taught by McCollum on the hitch of Taylor in order to accommodate multiple connection types.

5. In regards to claim 9, Taylor discloses an apparatus for attaching a towed implement to the drawbar of a tractor having lift arms laterally displaced from the drawbar, comprising:

a hitch (26) having a proximal end for selective coupling to the tractor (12) and having a distal end for pivoting attachment to the towed implement (10); and

a stabilizer (38) extending laterally from the hitch (26) between the proximal and distal ends and having elements (54) for coupling to the lift arms of the tractor (12) whereby the stabilizer (38) prevents the hitch (26) from pivoting with respect to the tractor (12) when a pivoting force is exerted against the hitch (26).

However, Taylor fails to disclose wherein the proximal end of the hitch is for connection to the drawbar of the tractor.

McCollum discloses an apparatus for attaching a towed implement to the drawbar of a tractor having lift arms laterally displaced from the drawbar, comprising:

a hitch (10) for selective coupling to the drawbar (at 45) of the tractor.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include relative movement between a drawbar connection and the lift arm connection as taught by McCollum on the hitch of Taylor in order to accommodate multiple connection types.

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Allowable Subject Matter

6. Claims 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

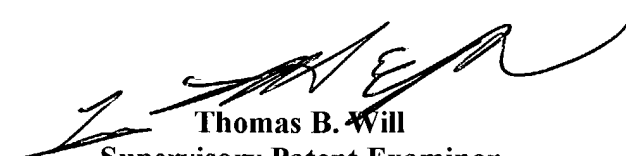
Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Buck et al., Thorn, and Walters et al. have been cited as of interest.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 703-305-6953. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 703-872-9306.


Thomas B. Will
Supervisory Patent Examiner
Group Art Unit 3671

AMT
June 16, 2004